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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,953	03/19/2004	Paul C. Blank	11453.00	8082

29994 7590 11/29/2005  
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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/804,953	<b>Applicant(s)</b> BLANK ET AL.	
	<b>Examiner</b> Patricia L. Nordmeyer	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/19/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 16, 18 – 21, 23 – 28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Mertens et al. (USPN 6,268,032).

Mertens et al. disclose a label roll (Column 3, lines 59 – 60) comprising an imperforate and continuous web (Column 3, lines 44 – 49; Figure 5, #80) having a front surface and an opposite back surface wound in a roll (Figure 5, #80), said back surface including a plurality of adhesive patches aligned in a column along a running axis of said web in a minor area of said back surface with the remaining area of said back surface being devoid of adhesive (Column 4, lines 11 – 17; Figure 7, #94a and 94b) and said front surface including a release strip extending along said running axis behind said column of adhesive patches and laminated to said patches in successive layers in said roll (Column 7, lines 61 – 64) in claims 1, 3 and 19. With regard to claims 2, 4 – 7, 23 and 24, the patches are aligned along said one edge of said web, being closer thereto than to an opposite edge of said web, having straight edges aligned parallel and transversely with said running axis forming a rectangular shaped area which elongate with said running axis (Figure 7, #94a and 94b). The web further includes corresponding index marks between adjacent patches to define corresponding labels (Column 10, lines 45 – 65), each label

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having a single adhesive patch (Figure 7, #94a and 94b) as in claims 8, 15, 21 and 25. Regarding claims 9, 10, 27 and 30, the patches are also arranged elongate transverse to the running axis (Column 8, lines 5 – 21), and the web is devoid of index marks between patches (Figure 10).

The web includes a plurality of labels (Figure 7, #130; Column 9, lines 57 – 61), each having a plurality of adhesive patches having arcuate edges, convex leading edges with convex trailing edges connected by straight edges, ovals with major axes disposed parallel to the running axis (Column 8, lines 5 – 21) as in claims 11 – 14 and 20. With regard to claims 16, 18 and 26, the release strip fully covers the front side of the web (Column 7, lines 65 – 67) and is made from a silicone coating (Column 2, lines 19 – 20).

3. Claims 1 – 8, 15, 17 – 19, 22 – 25, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Miles (USPN 6,352,751).

Miles et al. disclose a label roll (Column 2, lines 59 – 60) comprising an imperforate and continuous web (Column 2, lines 60 – 63) having a front surface and an opposite back surface wound in a roll (Figure 10), said back surface including a plurality of adhesive patches aligned in a column along a running axis of said web in a minor area of said back surface with the remaining area of said back surface being devoid of adhesive (Column 2, lines 63 – 66; Column 5, lines 10 – 14) and said front surface including a release strip extending along said running axis behind said column of adhesive patches and laminated to said patches in successive layers in said roll (Column 6, lines 41 – 47) in claims 1, 3 and 19. With regard to claims 2, 4 – 7, 23 and 24, the patches are aligned along said one edge of said web, being closer thereto than to an opposite

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edge of said web, having straight edges aligned parallel and transversely with said running axis forming a rectangular shaped area which elongate with said running axis (Column 12, lines 13 – 24). The web further includes corresponding index marks between adjacent patches to define corresponding labels, each label having a single adhesive patch (Column 12, lines 40 – 45) as in claims 8, 15 and 25. With regard to claims 17, 18, 22 and 29, the release strip is narrow to conform in width with said column of adhesive patches thereby leaving the remainder of the web front side devoid and is made from a silicone coating (Column 6, lines 41 – 47).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,830,795 to Downs is cited to show the state of the art with regard to the use of stripes of adhesive repellant release coat on the surfaces of label webs in contact with adhesive stripes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

*pln*  
pln

*[Signature]*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

11/28/05